

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

WILLIE WRIGHT,

Petitioner,

v.

Case No. 14-13422

THOMAS WINN,

Respondent.

**ORDER GRANTING PETITIONER'S MOTION TO AMEND PETITION AND MOTION
TO HOLD CASE IN ABEYANCE**

The court stayed this case in an order entered September 17, 2015. (Dkt. # 11.) Petitioner Willie Wright was given 90 days to file a motion for relief from judgment in the state trial court to present unexhausted claims to the state courts and 90 days in which to re-file his habeas petition after completion of state review. (*Id.*)

Petitioner has filed two motions (Dkt. ## 17, 18) indicating that he filed his motion for relief from judgment within 90 days. He states that he pursued his state post-conviction review proceeding through the Michigan Supreme Court, but his application for leave to appeal was rejected. Petitioner indicates that during the course of his state post-conviction proceeding his family, through a Freedom of Information Act request, obtained previously undisclosed records from the police department allegedly supporting additional claims of prosecutorial misconduct as well as other trial errors. Petitioner moves the court for an order allowing him to amend his petition to include these new claims (Dkt. # 17), and for an order extending the stay so that he may file a

second motion for relief from judgment based on this newly discovered evidence (Dkt. # 18.)

Respondent has not opposed either motion. Federal Rule of Civil Procedure 6(b)(1)(A) authorizes the court to extend any time period specified in its orders for good cause. For the reasons stated in Petitioner's motion, Petitioner has shown good cause to extend time limits in the order staying his case. Accordingly,

IT IS ORDERED that Petitioner's motion to amend (Dkt. # 17) is GRANTED.

IT IS FURTHER ORDERED that Petitioner's motion to extend the stay (Dkt. # 18) is GRANTED. The stay is EXTENDED. Petitioner is granted 60 days from the date of entry of this order to file a second motion for relief from judgment in the trial court. Petitioner must file a motion to reopen this case along with any amended petition within 60 days of completing exhaustion with respect to his new claims. This order is without prejudice to any defense that Respondent may wish to raise regarding Petitioner's failure to file a timely appeal from his motion for relief from judgment in the Michigan Supreme Court.

s/Robert H. Cleland /
ROBERT H. CLELAND
UNITED STATES DISTRICT JUDGE

Dated: June 8, 2017

I hereby certify that a copy of the foregoing document was mailed to counsel of record on this date, June 8, 2017, by electronic and/or ordinary mail.

s/Lisa Wagner /
Case Manager and Deputy Clerk
(810) 292-6522